

Christopher D. Adams, Esq. (012361999)
Marjan Moussavian, Esq. (304572019)
GREENBAUM, ROWE, SMITH & DAVIS LLP
River Centre Building 1
33 Newman Springs Road, Suite 122
Red Bank, New Jersey 07701
732.476.2692
cadams@greenbaumlaw.com
mmoussavian@greenbaumlaw.com

Attorneys for Defendant John Smith, a minor, through his parents and legal guardians, Jane Smith and Joe Smith

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JANE DOE, A MINOR, THROUGH HER
PARENTS AND LEGAL GUARDIANS,
JANE ROE AND JOHN ROE,

Plaintiff,

v.

JOHN SMITH, A MINOR, THROUGH HER
PARENTS AND LEGAL GUARDIANS,
JANE SMITH AND JOE SMITH,

Defendant.

Case No. 2:24-cv-634-ES-JBC

Electronically Filed

**ANSWER AND SEPARATE DEFENSES
OF DEFENDANT TO PLAINTIFF'S
FIRST AMENDED VERIFIED
COMPLAINT FOR EQUITABLE
RELIEF AND DAMAGES AND
DEMAND FOR JURY TRIAL**

Defendant John Smith, a minor, through his parents and legal guardians, Jane Smith and Joe Smith ("Defendant") as and for its Answer to Plaintiff's First Amended Verified Complaint for Equitable Relief and Damages and Demand for Jury Trial, says:

AS TO PRELIMINARY STATEMENT

1. The allegations of Paragraph 1 state a legal conclusion to which no response is required.
2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 2.
3. The allegations of Paragraph 3 state a legal conclusion to which no response is required.

AS TO PARTIES, JURISDICTION, AND VENUE

4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 4.
5. Defendant admits that Defendant John Smith is a minor and is named as a defendant though and by his legal guardians Jane Smith and Joe Smith. Defendant is a citizen of Westfield, Union County, New Jersey.
6. The allegations of Paragraph 6 state a legal conclusion to which no response is required.
7. The allegations of Paragraph 7 state a legal conclusion to which no response is required.
8. The allegations of Paragraph 8 state a legal conclusion to which no response is required.
9. The allegations of Paragraph 9 state a legal conclusion to which no response is required.
10. The allegations of Paragraph 10 state a legal conclusion to which no response is required.

11. The allegations of Paragraph 11 state a legal conclusion to which no response is required.

12. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 12.

AS TO COMMON FACTUAL ALLEGATIONS

13. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 13.

14. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 14.

15. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 15.

16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 16.

17. The allegations of Paragraph 17 state a legal conclusion to which no response is required.

18. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 18.

19. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 19.

20. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 20.

21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 21.

22. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 22.

23. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 23.

24. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 24.

25. The allegations of Paragraph 25 state a legal conclusion to which no response is required.

26. The allegations of Paragraph 26 state a legal conclusion to which no response is required.

27. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 27.

28. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 28.

29. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 29.

30. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 30.

31. The allegations of Paragraph 31 state a legal conclusion to which no response is required.

32. The allegations of Paragraph 32 state a legal conclusion to which no response is required. To the extent any response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 32.

33. The allegations of Paragraph 33 state a legal conclusion to which no response is required.

34. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 34.

35. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 35.

36. The allegations of Paragraph 36 state a legal conclusion to which no response is required. To the extent any response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 36.

37. The allegations of Paragraph 37 state a legal conclusion to which no response is required. To the extent any response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 37.

38. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 38.

39. The allegations of Paragraph 39 state a legal conclusion to which no response is required.

40. The allegations of Paragraph 40 state a legal conclusion to which no response is required. To the extent any response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 40.

41. The allegations of Paragraph 41 state a legal conclusion to which no response is required. To the extent any response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 41.

42. The allegations of Paragraph 42 state a legal conclusion to which no response is required. To the extent any response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 42.

43. The allegations of Paragraph 43 state a legal conclusion to which no response is required. To the extent any response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 43.

44. The allegations of Paragraph 44 state a legal conclusion to which no response is required. To the extent any response is required, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 44.

AS TO COUNT I (15 USC §6851)

45. Defendant repeats and incorporates by reference, as if fully set forth herein, his responses to the allegations contained in Paragraphs 1 through 44 of the Complaint as set forth above.

46. The allegations of Paragraph 46 state a legal conclusion to which no response is required.

47. The allegations of Paragraph 47 state a legal conclusion to which no response is required.

48. The allegations of Paragraph 48 state a legal conclusion to which no response is required.

49. The allegations of Paragraph 49 state a legal conclusion to which no response is required.

50. The allegations of Paragraph 50 state a legal conclusion to which no response is required.

51. The allegations of Paragraph 51 state a legal conclusion to which no response is required.

52. The allegations of Paragraph 52 state a legal conclusion to which no response is required.

53. The allegations of Paragraph 53 state a legal conclusion to which no response is required.

54. The allegations of Paragraph 54 state a legal conclusion to which no response is required.

55. The allegations of Paragraph 55 state a legal conclusion to which no response is required.

AS TO COUNT II (18 USC § 2252A)

56. Defendant repeats and incorporates by reference, as if fully set forth herein, his responses to the allegations contained in Paragraphs 1 through 54 of the Complaint as set forth above.

57. The allegations of Paragraph 57 state a legal conclusion to which no response is required.

58. The allegations of Paragraph 58 state a legal conclusion to which no response is required.

59. The allegations of Paragraph 59 state a legal conclusion to which no response is required.

60. The allegations of Paragraph 60 state a legal conclusion to which no response is required.

61. The allegations of Paragraph 61 state a legal conclusion to which no response is required.
62. The allegations of Paragraph 62 state a legal conclusion to which no response is required.
63. The allegations of Paragraph 63 state a legal conclusion to which no response is required.
64. The allegations of Paragraph 64 state a legal conclusion to which no response is required.
65. The allegations of Paragraph 65 state a legal conclusion to which no response is required.
66. The allegations of Paragraph 66 state a legal conclusion to which no response is required.
67. The allegations of Paragraph 67 state a legal conclusion to which no response is required.

AS TO COUNT III (N.J.S.A. 2A:58D-1)

68. Defendant repeats and incorporates by reference, as if fully set forth herein, his responses to the allegations contained in Paragraphs 1 through 67 of the Complaint as set forth above.
69. The allegations of Paragraph 69 state a legal conclusion to which no response is required.
70. The allegations of Paragraph 70 state a legal conclusion to which no response is required.

71. The allegations of Paragraph 71 state a legal conclusion to which no response is required.

72. The allegations of Paragraph 72 state a legal conclusion to which no response is required.

73. The allegations of Paragraph 73 state a legal conclusion to which no response is required.

74. The allegations of Paragraph 74 state a legal conclusion to which no response is required.

75. The allegations of Paragraph 75 state a legal conclusion to which no response is required.

76. The allegations of Paragraph 76 state a legal conclusion to which no response is required.

77. The allegations of Paragraph 77 state a legal conclusion to which no response is required.

78. The allegations of Paragraph 78 state a legal conclusion to which no response is required.

AS TO COUNT IV (Invasion of Privacy—Intrusion Upon Seclusion)

79. Defendant repeats and incorporates by reference, as if fully set forth herein, his responses to the allegations contained in Paragraphs 1 through 78 of the Complaint as set forth above.

80. The allegations of Paragraph 80 state a legal conclusion to which no response is required.

81. The allegations of Paragraph 81 state a legal conclusion to which no response is required.
82. The allegations of Paragraph 82 state a legal conclusion to which no response is required.
83. The allegations of Paragraph 83 state a legal conclusion to which no response is required.
84. The allegations of Paragraph 84 state a legal conclusion to which no response is required.
85. The allegations of Paragraph 85 state a legal conclusion to which no response is required.
86. The allegations of Paragraph 86 state a legal conclusion to which no response is required.
87. The allegations of Paragraph 87 state a legal conclusion to which no response is required.
88. The allegations of Paragraph 88 state a legal conclusion to which no response is required.
89. The allegations of Paragraph 89 state a legal conclusion to which no response is required.
90. The allegations of Paragraph 90 state a legal conclusion to which no response is required.
91. The allegations of Paragraph 91 state a legal conclusion to which no response is required.

AS TO COUNT V (Invasion of Privacy—Publication of Private Facts)

92. Defendant repeats and incorporates by reference, as if fully set forth herein, his responses to the allegations contained in Paragraphs 1 through 91 of the Complaint as set forth above.

93. The allegations of Paragraph 93 state a legal conclusion to which no response is required.

94. The allegations of Paragraph 94 state a legal conclusion to which no response is required.

95. The allegations of Paragraph 95 state a legal conclusion to which no response is required.

96. The allegations of Paragraph 96 state a legal conclusion to which no response is required.

97. The allegations of Paragraph 97 state a legal conclusion to which no response is required.

98. The allegations of Paragraph 98 state a legal conclusion to which no response is required.

99. The allegations of Paragraph 99 state a legal conclusion to which no response is required.

100. The allegations of Paragraph 100 state a legal conclusion to which no response is required.

101. The allegations of Paragraph 101 state a legal conclusion to which no response is required.

102. The allegations of Paragraph 102 state a legal conclusion to which no response is required.

AS TO COUNT VI (Intentional Infliction of Emotional Distress)

103. Defendant repeats and incorporates by reference, as if fully set forth herein, his responses to the allegations contained in Paragraphs 1 through 102 of the Complaint as set forth above.

104. The allegations of Paragraph 104 state a legal conclusion to which no response is required.

105. The allegations of Paragraph 105 state a legal conclusion to which no response is required.

106. The allegations of Paragraph 106 state a legal conclusion to which no response is required.

107. The allegations of Paragraph 107 state a legal conclusion to which no response is required.

108. The allegations of Paragraph 108 state a legal conclusion to which no response is required.

109. The allegations of Paragraph 109 state a legal conclusion to which no response is required.

110. The allegations of Paragraph 110 state a legal conclusion to which no response is required.

111. The allegations of Paragraph 111 state a legal conclusion to which no response is required.

112. The allegations of Paragraph 112 state a legal conclusion to which no response is required.

113. The allegations of Paragraph 113 state a legal conclusion to which no response is required.

AS TO COUNT VII (Negligence—Endangering the Welfare of Children)

114. Defendant repeats and incorporates by reference, as if fully set forth herein, his responses to the allegations contained in Paragraphs 1 through 113 of the Complaint as set forth above.

115. The allegations of Paragraph 115 state a legal conclusion to which no response is required.

116. The allegations of Paragraph 116 state a legal conclusion to which no response is required.

117. The allegations of Paragraph 117 state a legal conclusion to which no response is required.

118. The allegations of Paragraph 118 state a legal conclusion to which no response is required.

119. The allegations of Paragraph 119 state a legal conclusion to which no response is required.

AS TO PRAYER FOR RELIEF

WHEREFORE, Defendant respectfully requests that the Court:

- A. Enter judgment in dismissing all counts against Defendant and entering judgment in favor of Defendant.
- B. Grant Defendant such other and further relief as the Court deems just and proper.

SEPARATE DEFENSES

First Separate Defense

Defendant specifically reserves all separate or affirmative defenses that it may have against Plaintiff.

Second Separate Defense

The Complaint, and each cause of action or count alleged therein, fails to state facts sufficient to constitute a claim upon which relief may be granted against Defendant.

Third Separate Defense

Plaintiff's claims against Defendant are barred, in whole or in part, by the protections of the First and Fourteenth Amendments to the United States Constitution and any freedom of speech protections afforded by the New Jersey Constitution.

Fourth Separate Defense

Plaintiff's claims against Defendant are barred, in whole or in part, by the failure to join one or more necessary parties.

Fifth Separate Defense

Plaintiff's claims against Defendant are barred, in whole or in part, because any injuries Plaintiffs suffered were not directly or proximately caused by any act or omission by Defendant.

Sixth Separate Defense

Plaintiff is not entitled to relief because the injuries alleged, if any, were caused by the intervening and/or unlawful acts of third parties.

Seventh Separate Defense

Plaintiff's claims against Defendant are barred, in whole or in part, by the applicable statute of limitations.

Eighth Separate Defense

Plaintiff's claims against Defendant are barred, in whole or in part, by the doctrines of laches, waiver, or estoppel.

Ninth Separate Defense

Defendant intends to rely upon any additional defenses that become available during the course of investigation and/or discovery and reserves the right to amend its Answer to assert those defenses.

Tenth Separate Defense

By asserting these defenses, Defendant does not allege or admit that it has the burden of proof and/or the burden of persuasion with respect to any of these matters. Defendant specifically reserves all separate or additional defenses that it may have against Plaintiffs.

DEMAND FOR JURY TRIAL

Defendant demands a trial by jury of all issues so triable.

Dated: March 8, 2024

**GREENBAUM, ROWE, SMITH AND
DAVIS, LLP**

/s/Christopher D. Adams

Christopher D. Adams, Esq.

Marjan Moussavian, Esq.

River Centre Building 1

33 Newman Springs Road, Suite 122

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cadams@greenbaumlaw.com

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CERTIFICATE OF SERVICE

I certify that on this day, March 8, 2024, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send notice of electronic filing to all counsel of record.

**GREENBAUM, ROWE, SMITH AND
DAVIS, LLP**

/s/Christopher D. Adams _____